

DOCKET NO.: C1037.70013US00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Bratzler et al.
Serial No.: 09/776,479
Confirmation No.: 7139
Filed: February 2, 2001
For: IMMUNOSTIMULATORY NUCLEIC ACIDS FOR THE
TREATMENT OF ASTHMA AND ALLERGY
Examiner: Nita M. Minnifield
Art Unit: 1645

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the 16th day of August, 2004.

Maria A. Trevisan

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Transmitted herewith are the following documents:

- ☒ Response to Restriction Requirement
- ☒ Return Receipt Postcard

If the enclosed papers are considered incomplete, the Mail Room and/or the Application Branch is respectfully requested to contact the undersigned at (617) 720-3500, Boston, Massachusetts.

No fee is enclosed. If a fee is considered due, it may be charged to Deposit Account 23/2825. A duplicate of this sheet is enclosed.

Respectfully submitted,
Bratzler et al., *Applicant(s)*

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Telephone: (617) 720-3500

Docket No. C1037.70013US00
Date: August 16, 2004
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Response to Restriction Requirement

Sir:

In response to the second Restriction Requirement mailed on July 14, 2004, Applicants herewith elect Group I (claims 12-19 and 37-52, drawn to a method for treating or preventing allergic asthma, classified in class 514, subclass 44, 826).

Applicants further make an election of species as follows:

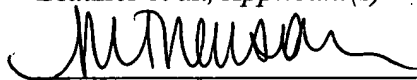
- (i) an immunostimulatory nucleic acid that is a CpG nucleic acid;
- (ii) an immunomodulator that is a down-regulator of IgE that is itself an anti-Ig antibody or a fragment thereof; and
- (iii) an asthma/allergy medicament that is the bronchodilator/beta-2 agonist salbutamol.

This species election is made for examination purposes only. It is understood that upon allowance of a generic claim, Applicant will be entitled to consideration of claims to additional species.

At least claims 12-18, 38-40, 42, 44-45, 47-48 and 52 are readable on the above elections.

Applicants reserve the right to pursue the subject matter of the non-elected claims in continuing applications.

Respectfully submitted,
Bratzler et al., *Applicant(s)*



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